

Sean T. O'Meara
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One Centennial Square
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(856) 795-2121

Counsel for Defendant EverHome Mortgage Company

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

_____)	
CARLOS & CAROL MARTINO,)	
individually and as class representatives)	
on behalf of others similarly situated,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 1:09-cv-00011-JEI-JS
)	
EVERHOME MORTGAGE,)	
COOPER PERSKIE LEVENSON APRIL,)	
NIEDELMAN & WAGENHEIM, P.A.,)	
And John Doe 1-100,)	
And John Doe Servicers 1-100,)	
)	
Defendants.)	
_____)	

**NOTICE OF DEFENDANT EVERHOME MORTGAGE COMPANY'S
MOTION TO DISMISS**

TO: Lewis G. Adler, Esquire
Law Offices of Lewis Adler
26 Newton Avenue
Woodbury, NJ 08096
lewisadler@verizon.net
Counsel to Plaintiff

PLEASE TAKE NOTICE, that on June 1, 2009 at 10:00 a.m., or as soon thereafter as counsel may be heard, EverHome Mortgage Company (“EverHome”), through its undersigned counsel, shall move before the United States District Court for the District of New Jersey, Mitchell H. Cohen Building & U.S. Courthouse, 4th & Cooper Streets Room 1050, Camden, NJ 08101 for an order granting EverHome’s Motion to Dismiss pursuant to Rule 12(b)(6).

PLEASE TAKE FURTHER NOTICE that in support of the Motion, EverHome shall rely on the attached Memorandum of Law in Support of Motion, Certification of Sean T. O’Meara, and exhibits attached thereto.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order accompanies this Motion.

PLEASE TAKE FURTHER NOTICE that oral argument is waived unless timely opposition is filed and served.

Respectfully submitted,

s/ Sean T. O'Meara

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DATED: April 30, 2009